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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/934,521	08/23/2001	Yasushi Isami	TD-US000367	8144

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EXAMINER	
CHARIOUI, MOHAMED	
ART UNIT	**PAPER NUMBER**
2857	

DATE MAILED: 09/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/934,521	ISAMI, YASUSHI	
	Examiner	Art Unit	
	Mohamed Charioui	2857	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 August 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24,26,27 and 30-41* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12,15-24,26,27 and 30-41* is/are rejected.

7)☒ Claim(s) *8,9,13 and 14* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *31 October 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

1. In view of the after final response filed August 2nd, 2005, FINALITY of the last office action is withdrawn and PROSECUTION IS HERBY REOPENED. A new ground of rejection is set forth below.

2. Applicant canceled claims 25, 28 and 29.

DETAILED ACTION

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-7, 10-12, 15-24, 26, 27 and 30-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goodman (U.S. 6,616,613) in view of Barnhill et al. (U.S. 6,306,087)

As per claims 1, 3, 5 and 30-32, Goodman teaches a measurement step of obtaining measurement data by means of a measurement device (i.e. processor means 14) for a subject's in vivo test and/or in vitro test (see col. 4, lines 14-20 and col. 4, lines 34-37), a first transmission step of transmitting the measurement data from the measurement device to an analysis device via a network (see col. 4, lines 5-20), a first receiving step of receiving the measurement data by the analysis device (see col. 4, lines 14-20), an a processing step of processing the measurement data by the analysis device to obtain an analytical result which corresponds to the measurement data (see col. 34, lines 8-41 and col. 4, lines 14-20 and col. 4, lines 34-37), a second transmission

step of transmitting the analytical data from the analysis device, via the network, to the measurement device, and a second receiving step of receiving the analytical result by the measurement device (col. 4, lines 13-21).

Goodman fails to teach converting the measurement data into analytical results by the analysis device, wherein analytical result including the subject's in vivo and/or in vitro test results, which is a result of analysis of the measurement data.

Barnhill et al. teach this feature (see col. 7, lines 25-36). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate Barnhill et al.'s teaching into Goodman's teaching because the measurement data would transmitted to the remote location to be converted into analytical results by the analysis device. Therefore the analytical results would be examined to determine any anomalies in the subject's in vivo and/or in vitro test results and appropriate actions would be taken to cure theses anomalies.

As per claims 2, 4 and 6, Goodman further teaches that the first transmission step includes a step of associating a communication address of said measurement device with said measurement data (see line 60 to col. 34, line 7).

As per claim 7, Goodman further teaches that the receiving means further receives identification information and test items for the subject that are associated with the measurement data, and the transmission means transmits the identification information of the subject and the test items associated with the measurement data (see col. 33, line 60 to col. 34, line 7).

As per claims 10, 15-17, 22-24, 26, 27, 33 and 41, Goodman further teaches receiving means for receiving a measurement data from the measurement device via a network from a measurement device that conducts measurements for a subject's in vivo test and /or in vitro test and obtains the measurement data (see col. 4, lines 1-20), processing means for processing the measurement data, and obtaining an analytical result which corresponds to the measurement data (see col. 4, lines 1-20 and col. 34, lines 8-41), and transmission means for transmitting, via the network, the analytical result to an output device that outputs the analytical result (col. 4, lines 1-21 and col. 34, lines 8-41).

Goodman fails to teach converting the measurement data into analytical results by the analysis device, wherein analytical result including the subject's in vivo and/or in vitro test results, which is a result of analysis of the measurement data.

Barnhill et al. teach this feature (see col. 7, lines 25-36). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate Barnhill et al.'s teaching into Goodman's teaching because the measurement data would transmitted to the remote location to be converted into analytical results by the analysis device. Therefore the analytical results would be examined to determine any anomalies in the subject's in vivo and/or in vitro test results and appropriate actions would be taken to cure theses anomalies.

As per claims 11, 18 and 21, Goodman further teaches receiving means receives a communication address of the measurement device and associates said

communication address with the measurement data (see col. 33, line 60 to col. 34, line 7).

As per claims 12, 19 and 20, Goodman further teaches that the receiving means further receives identification information and test items for the subject that are associated with the measurement data, and the transmission means transmits the identification information of the subject and the test items associated with the analytical data (see col. 33, line 60 to col. 34, line 7).

As per claims 34-40, Goodman further teaches an analysis device to be connected via a network to the measurement device; wherein the measurement device comprises measurement means for conducting measurements for a subject's in vivo test and/or in vitro test and for obtaining measurement data (see col. 4, lines 1-37), first transmission means for transmitting, via the network, the measurement data to the analysis device (see col. 4, lines 1-20), and the analysis device comprises receiving means for receiving the measurement data from the measurement device via the network (see col. 4, lines 14-20), processing means for processing the measurement data, and obtaining an analytical result which corresponds to the measurement data (see col. 4, lines 1-37 and col. 34, lines 8-41), and second transmission means for transmitting, via the network, the analytical result to the measurement device (see col. 4, lines 1-37).

Goodman fails to teach converting the measurement data into analytical results by the analysis device, wherein analytical result including the subject's in vivo and/or in vitro test results, which is a result of analysis of the measurement data.

Barnhill et al. teach this feature (see col. 7, lines 25-36). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate Barnhill et al.'s teaching into Goodman's teaching because the measurement data would transmitted to the remote location to be converted into analytical results by the analysis device. Therefore the analytical results would be examined to determine any anomalies in the subject's in vivo and/or in vitro test results and appropriate actions would be taken to cure theses anomalies.

Allowable Subject Matter

4. **Claims 8, 9, 13 and 14** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and overcome all the objections listed in claim objections section above.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claims 8 and 13, none of the prior art of record teaches or suggests that the receiving means further receives device identification information that identifies a class of the measurement device and the measurement data associated therewith, and selection means for selecting an analysis program corresponding to the class of the measurement device from amongst the stored analysis programs, and for applying the selected analysis program to process the measurement data, in combination with the res of the claim limitations.

Regarding claims 9 and 14, none of the prior art of record teaches or suggests determination means for determining items billed to the manager of the measurement device based on the contract conditions and the usage results, in combination with the rest of the claims limitations.

Response to Arguments

5. Applicant's arguments with respect to claims 1-7, 10-12, 15-24, 26, 27 and 30-41 have been considered but are moot in view of the new ground(s) of rejection.

Contact information

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohamed Charioui whose telephone number is (571) 272-2213. The examiner can normally be reached Monday through Friday, from 9 am to 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc S Hoff can be reached on (571) 272-2216. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mohamed Charioui

8/29/05

MARC S. HOFF
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